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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,159	12/08/2003	Richard J. Schneider	4164-199	5096

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EXAMINER

LEIVA, FRANK M

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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08/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/731,159

Applicant(s)

SCHNEIDER ET AL.

Examiner

Frank M. Leiva

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 and 49-51 is/are pending in the application.
- 4a) Of the above claim(s) 33-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 & 49-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date
:3/08/2004;3/22/2004;11/18/2004...

DETAILED ACTION

1. Applicant's election without traverse of Group I, claims 1-32 & 49-5 in the reply filed on 06 July 2007 is acknowledged.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 3 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim is directed to the presence of an employee, not a useful process, machine, manufacture, or composition of matter.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-32 & 49-51 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al (US 2003/0027635 A1) herein after Walker.**

Walker discloses the use of casino floor personnel as representatives of the casino hospitality club and allows them to present offers to the players at the machines or tables. Walker discloses in the invention the offer for a credit card, but for the purpose of this examination, the examiner identifies in Fig. 7 that the offer may just be "signing up for a player tracking card", or card club. Thus both a method of registering an unenrolled player in a player tracking system and a player tracking system for uncarded players are disclosed.

Regarding claim 1; Walker discloses:

- a. A method of registering an unenrolled player in a player tracking system, ([0019-0023]).

- b. Permitting the unenrolled player to play a gaming device, (Fig. 7), if the representative is allowed to offer a signing bonus, it means that the player can play without enrollment.
 - c. Detecting a triggering event, (¶[0079]).
 - d. Notifying the unenrolled player after the occurrence of the triggering event, (¶[0187]).
 - e. Allowing the unenrolled player to enroll in the player tracking system in response to the notification, (¶[0022-0023]).
6. Regarding claim 2; Walker discloses awarding unenrolled players with enrollment incentives for enrolling, (Fig. 7).
7. Regarding claim 3; Walker discloses wherein the triggering event is a casino employee, present at the gaming device, (¶[0075]).
8. Regarding claims 4 & 5; Walker discloses wherein a plurality of unenrolled players play a plurality of gaming devices, and wherein the plurality of gaming devices are networked together, (Fig. 3 & 5).
9. Regarding claim 6; Walker discloses wherein the triggering event corresponds to an unenrolled player among the plurality of players having a highest level of player rating, (Fig. 6), wherein (625) discloses that a specific offer is given only for the condition of a hot player, and (610) corresponds to an unenrolled player.
10. Regarding claims 7 & 8; Walker discloses wherein the triggering event corresponds to a randomly selected player among the plurality of players, and wherein the triggering event is a random occurrence, (¶[0092]).
11. Regarding claim 9; Walker discloses wherein the triggering event is a predetermined occurrence, (¶[0080]).
12. Regarding claim 10; Walker discloses wherein notifying the unenrolled player comprises soliciting the unenrolled player to enroll in the player tracking system, (Fig.7).
13. Regarding claim 11; Walker discloses wherein notifying the unenrolled player comprises visually notifying the unenrolled player, (¶[0171]).

14. Regarding claim 12; Walker discloses wherein notifying the unenrolled player comprises notifying the unenrolled player through a display associated with the gaming device, (¶[0171]).
15. Regarding claim 13; Walker discloses wherein notifying the unenrolled player comprises notifying the unenrolled player through an overhead sign, (¶[0165]).
16. Regarding claim 14; Walker discloses wherein notifying the unenrolled player comprises aurally notifying the unenrolled player, (¶[0171]).
17. Regarding claim 15; Walker discloses wherein the aural notification is emitted from the gaming device, (¶[0182]).
18. Regarding claim 16; Walker discloses wherein the aural notification is emitted from a speaker remote from the gaming device, (¶[0182]).
19. Regarding claim 17; Walker discloses wherein the unenrolled player is allowed to self enroll, (¶[0123]).
20. Regarding claims 18 & 19; Walker discloses wherein the unenrolled player is allowed to enroll through a terminal on the casino floor, and wherein the terminal is unattended, (¶[0087 & 0045]), such as using a PDA, whereas in ¶0045 Walker discloses as being any number of representative devices such as a Kiosk terminal.
21. Regarding claim 20; Walker discloses herein the unenrolled player is allowed to enroll at the gaming device, (¶[0171]).
22. Regarding claim 21; Walker discloses wherein the unenrolled player is allowed to enroll through a keypad associated with the gaming device, (¶[0171]).
23. Regarding claim 22; Walker discloses wherein the unenrolled player is allowed to enroll through a display associated with the gaming device, (¶[0171]).
24. Regarding claim 23; Walker discloses wherein the unenrolled player is allowed to enroll with the assistance of casino personnel, (¶[0165]).
25. Regarding claim 24; Walker discloses wherein casino personnel approach the unenrolled player after the occurrence of the triggering event, (¶[0165]).

26. Regarding claim 25; Walker discloses applying a credit to the newly enrolled player's account following enrollment, (Fig. 7).
27. Regarding claim 26; Walker discloses wherein the unenrolled player is permitted to play the gaming device using a temporary account, (¶[0141]), whereas the account may have a time limited duration and the establishment reserves the right to cancel the promotions at any given time.
28. Regarding claim 27; Walker discloses wherein credit is applied to the temporary account, (claim 28).
29. Regarding claim 28; Walker discloses wherein the unenrolled player is permitted access to the credit following enrollment, (Fig. 7).
30. Regarding claim 29; Walker discloses wherein the credit is payable immediately, (¶[0040]).
31. Regarding claim 30; Walker discloses wherein the credit is payable on a future visit, (¶[0137]), wherein a future activity could be returning to the casino.
32. Regarding claim 31; Walker discloses wherein the credit is payable incrementally, (¶[0187]), wherein the player earns comp points and are well known to accumulate as you play.
33. Regarding claim 32; Walker discloses wherein the temporary account is associated with a player identifier, (¶[0141]), wherein the establishment reserves the right to exclude a specific player.
34. Regarding claim 49; Walker discloses:
- f. A player tracking system for uncarded players, (Fig. 6 & 7).
 - g. A host computer, (Fig.1).
 - h. A network interconnecting gaming devices to the host computer, (Fig. 1).
 - i. Means for tracking uncarded play, (Fig.6 & 7)
 - j. A memory for storing the tracked uncarded play, (Fig.6 & 7).

- k. Means for detecting the occurrence of a triggering event; and means for notifying the uncarded players after the occurrence of the triggering event, (¶[0079-0080 &0022]).
- 35. Regarding claim 50; Walker discloses
 - l. Means for enrolling the uncarded players in a player tracking system, (¶[0123]).
 - m. The notifying means is a soliciting means, (¶[0022]).
- 36. Regarding claim 51; Walker discloses means for awarding a bonus, (Fig.7).

Citation of Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nelson et al., (US2007/0117623 A1), Dynamic Casino Tracking. George et al., (US2004/0092305 A1), Remote Player Information. Halbritter et al., (US 7,022,017 B1), Interactive Resort Operating System. Wolfe et al (US2004/002386 A1), Wireless Casino Information.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Leiva whose telephone number is (571) 272-2460. The examiner can normally be reached on M-Th 8:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML

08/03/2007


Robert E Pezzullo
Supervisory Patent Examiner
Art Unit 3714